

REMARKS

Claims 1-21 are pending in this application. Claims 1, 2, 9-13 and 20 are rejected in view of prior art. Claim 20 is objected to as being duplicative of Claim 12. Applicants note with appreciation that Claims 3-8 and 14-19 are indicated to be allowable if rewritten to include the limitations set forth in the claims from which they depend. Claim 21 is newly added. Applicant respectfully traverses the rejections based on prior art. Claim 20 is cancelled because it is duplicative of Claim 12. Reconsideration and allowance of the rejected claims is requested in view of the following remarks.

I. The Claims Are Not Anticipated Or Rendered Obvious By Miyachi.

Claims 1 and 10 are rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,960,756 to Miyachi et al. (hereinafter "Miyachi"). Claims 2, 9, 11 and 12 are rejected under 35 U.S.C. § 103(a) as being obvious over Miyachi in view of U.S. Patent Application Publication No. 2004/0065285 to Uludogan et al. (hereinafter "Uludogan").

Claim 1 recites "a valve seating device disposed in said housing." The specification of the present application states that the disclosed valve seating device may slow the speed at which the engine valve contacts the engine valve seat by opposing the motion of the engine valve through the valve train element (e.g., through a rocker arm). See paragraph [0029].

Miyachi does not disclose the claimed "valve seating device." The Office asserts that element 45 of Fig. 7 of Miyachi constitutes the claimed valve seating device,

however, Miyachi states that element 45 is "a fulcrum member." See Miyachi at column

3, line 38. With reference to the specification of Miyachi, when the holding member **28** is allowed to move relative to the cylinder head **50**, “the holding member **20** and the arm shaft **12** move downward and the first rocker arm **11** is oscillated around the fulcrum member **45** as shown in Fig. 7.” See Miyachi at column 6, lines 26-34. A fulcrum is clearly not the same thing as the claimed valve seating device. Unlike the claimed valve seating device, fulcrums are fixed elements about which other elements may rotate. Unlike the subject claims, the system disclosed in Miyachi accomplishes valve seating solely using seating ramps on alternative cams. The selection of one cam over the other, however, does not alter the fact that valve seating occurs from the cam seating ramp, not using a valve seating device.

Reconsideration and withdrawal of the rejections of Claims 1, 2, 9-12 and 20 over Miyachi alone and in combination with Uludogan is respectfully requested in view of the foregoing remarks.

II. The Claims Are Not Anticipated Or Rendered Obvious By Uludogan.

Claim 13 is rejected under 35 U.S.C. § 102(e) as being anticipated by Uludogan. Claims 2, 9, 11 and 12 are asserted to be obvious over Miyachi in view of Uludogan. Claim 13 recites “[a] system for controlling the seating velocity of an engine valve” which comprises “a lash piston” and “a seating piston.” The purpose of the claimed lash piston is to receive hydraulic fluid and rise within its housing to take up any lash that may exist between the valve seating device and a rocker arm. See paragraph **[0042]**.

The Office asserts that Claim 13 is anticipated and Claims 2, 9, 11 and 12 are obvious because Uludogan teaches a valve seating device comprising a lash piston **53** (reference numeral **53** actually refers to the wall of the body member **46**) and a seating

piston **48**.

Perusal of Uludogan reveals that the body member **46** shown in Fig. 1a does not serve as a "lash piston" and that the piston **48** does not serve as a seating piston as defined by the specification of the present application. In fact, Uludogan does not disclose a valve seating device in any manner. The body member **46** and the piston **48** of Uludogan serve as master and slave pistons, respectively, provided between an exhaust cam **40** and a rocker arm **64**. The master and slave pistons of Uludogan are akin to the master piston **110** and slave piston **120** shown in Fig. 3 of the present application which necessarily means that they cannot also serve as the lash piston and seating piston of the separate and distinct valve seating device shown as element **200** in the same figure. Accordingly, reconsideration and withdrawal of the rejection of Claims 2, 9 and 11-13 is requested.

II. Conclusion

Applicant respectfully submits that the claims of the present invention define patentable subject matter and that the application is in condition for allowance. Should the Examiner believe that anything further is desirable to place the application in better condition for allowance, the Examiner is invited to contact Applicant's attorney at the telephone number below.

It is believed that the fee for a two month extension of time is required for consideration of the present amendment. The Commissioner is hereby authorized to charge this fee, including any deficiency or credit of any overpayment, to deposit account number 03-2469. Moreover, if the deposit account contains insufficient funds,

the Commissioner is hereby invited to contact Applicant's attorney to arrange for payment.

Respectfully submitted,

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A handwritten signature in black ink, appearing to read "David R. Yohannan", written over a horizontal line.

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